

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**CHAPWOOD CAPITAL INVESTMENT  
MANAGEMENT, LLC and ED BUTOWSKY,**

**Plaintiffs,**

**v.**

**CHARLES SCHWAB & CO., INC., WALTER  
W. BETTINGER, II, and KEVIN LEWIS,**

**Defendants.**

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**Civil No. 4:18-cv-548-ALM-KPJ**

**ORDER**

On October 30, 2018, the Court entered an Order staying this case pending binding arbitration, as agreed upon by the parties. *See* Dkt. 15. At that time, the Court ordered the parties to file a joint status report by February 27, 2019. *See id.* On May 30, 2019, the parties filed an Updated Joint Status Report (Dkt. 19), wherein the parties represented that no arbitration had commenced to date and they intended to file an arbitration statement of claim with JAMS within ten days of the date of filing. *See* Dkt. 19. The parties were directed to file an updated status report by August 30, 2019. *See* Dkt. 20. In the Second Updated Joint Status Report (Dkt. 21), filed on August 29, 2019, the parties represented that Plaintiffs Chapwood Capital Investment Management, LLC, and Ed Butowsky (together, “Plaintiffs”) did not submit the Demand for Arbitration until August 27, 2019. *See* Dkt. 21 at 2. On August 30, 2019, the Court directed the parties to file an updated status report by November 27, 2019. *See* Dkt. 22. In the parties’ Third Updated Joint Status Report (Dkt. 23), the parties represented that the arbitration commenced on October 15, 2019. The parties further informed the Court that Defendants filed their Response to Plaintiffs’ Demand for Arbitration on November 5, 2019, and JAMS has appointed three members to form the arbitration panel. *See* Dkt. 23 at 2. On December 2, 2019, the Court ordered the parties

to provide to file an updated status report by March 27, 2020. *See* Dkt. 24. In the parties' Fourth Updated Joint Status Report (Dkt. 25), filed on March 27, 2020, the parties indicated that JAMS sent two Request for Missing Items to Plaintiffs, advising that it was missing the "Pre-retainer in the amount of \$7,000.00, made payable to JAMS," and Plaintiffs' counsel had communicated with JAMS regarding personal information relating to Plaintiff Edward Butowsky. Dkt. 25 at 2. On March 30, 2020, the Court entered an Order requiring the parties to provide an updated status report by June 29, 2020. *See* Dkt. 26.

On June 29, 2020, the parties filed their Fifth Updated Joint Status Report (Dkt. 27), wherein the parties indicated that Plaintiffs' counsel provided JAMS with a status report regarding Plaintiff Edward Butowsky on May 7, 2020. The parties also indicated that, to date, Plaintiffs have not paid JAMS arbitration pre-hearing retainer in the amount of \$7,000.00. *See* Dkt. 27 at 3.

**IT IS THEREFORE ORDERED** that this matter shall be **ADMINISTRATIVELY CLOSED**. The Clerk of Court is directed to administratively close these cases and remove them from the Court's active docket

**IT IS FURTHER ORDERED** that the parties shall file a status report within seven days after the completion of the agreed arbitration, or when the parties want this case to be reopened, whichever is sooner.

**So ORDERED and SIGNED this 1st day of July, 2020.**

A handwritten signature in black ink, appearing to read 'KLPJ', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE